

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

WCR, INCORPORATED,

Plaintiff,

Case No. 3:18-cv-278
Consolidated with 3:20-cv-143

vs.

WESTERN CANADA HEAT
EXCHANGER, LTD., *et al.*,

District Judge Michael J. Newman
Magistrate Judge Sharon L. Ovington

Defendants.

ORDER: (1) DENYING PLAINTIFF'S MOTION TO DEFER A RULING ON JURISDICTION (DOC. 31); (2) CONFIRMING THAT THE VIDEO HEARING ON JURISDICTION WILL GO FORWARD ON MARCH 3, 2021 AT 10:15 A.M.

This is a civil case for which Defendants filed a motion to dismiss -- challenging personal jurisdiction over Defendants Western Canada Heat Exchanger ("Canada Heat") and Earl Strohschein -- on July 15, 2020. Doc. 15. Following the transfer of this case from Judge Rose, the undersigned scheduled a hearing on the motion. The hearing is to occur tomorrow, March 3, 2021 at 10:15 a.m. In the interim, the parties were directed to engage in discovery with regard to the jurisdictional issue, and did so.

Yesterday, Defendants filed a notice indicating that they were withdrawing their motion to dismiss under Fed. R. Civ. P. 12(b)(2) as it pertains to personal jurisdiction over Canada Heat, but maintaining that motion to dismiss as to personal jurisdiction over Strohschein. Doc. 30. Therefore, the issue before the Court is whether personal jurisdiction exists over Strohschein. Today, Plaintiff filed a motion to defer a determination of personal jurisdiction over Strohschein until the trial on the merits. Doc. 31. Subsequently, Defendants filed a memorandum in opposition. Doc. 32. Oral

argument on these two requests was held on March 2, 2021. Having heard from counsel for both sides, and reviewing the briefing on the motion, the Court finds it appropriate to hold the hearing on March 3, 2021 and limit the issue at the hearing to whether jurisdiction exists over Strohschein. Accordingly, Plaintiff's motion to defer a determination of personal jurisdiction over Strohschein until the trial on the merits is **DENIED**, and the hearing on March 3, 2021 will for forward as scheduled.

IT IS SO ORDERED.

Date: March 2, 2021

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge